

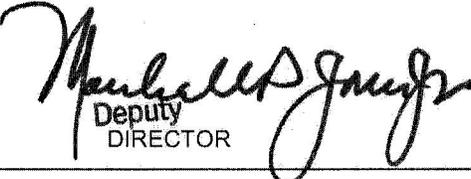


U.S. FISH AND WILDLIFE SERVICE TRANSMITTAL SHEET

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EXPLANATION OF MATERIAL TRANSMITTED:

This chapter describes enforcement priorities for the Office of Law Enforcement.


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**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 444 Investigative Guidelines

Chapter 1 Priorities

444 FW 1

1.1 What is the purpose of this chapter? This chapter describes the enforcement priorities for the Office of Law Enforcement. We establish priorities because:

A. The Office of Law Enforcement must make the most effective use possible of its staff resources.

B. All enforcement activities do not contribute equally to wildlife conservation.

C. The mission of the Office of Law Enforcement (as found in the program's Strategic Plan for FY 2005-2010) is "to protect wildlife resources." The priorities identified in this chapter will help law enforcement managers and officers focus their efforts accordingly.

1.2 How do Service special agents and wildlife inspectors apply enforcement priorities?

A. Special agents and wildlife inspectors should focus on those illegal activities having the greatest negative impact on federally protected species. They should also focus on those law enforcement activities that fall outside of the authority and/or capabilities of State and local law enforcement bodies and are clearly the responsibility of the Office of Law Enforcement. Service officers must focus on high priority enforcement work before undertaking activities designated as medium or low priority (see Section 1.3 below). Service law enforcement managers will ensure that agents and inspectors appropriately apply the guidance on enforcement priorities described in this chapter.

B. When an enforcement activity falls under two or more priority categories, the higher category applies. Officers should complete all priority work before undertaking any enforcement activity that falls outside of official enforcement priorities. We consider all activities within one priority level equal.

C. Special agents and wildlife inspectors must document all violations regardless of the priority category.

D. The time and effort devoted to resolving a violation should be commensurate with the priority level of the violation.

E. We designed these enforcement priorities to guide Service officers to be proactive with inspection activity and investigations. Do not use the priorities to prioritize work involving the inspection of imported or exported declared wildlife shipments. When conducting such inspections, officers should perform risk assessments on shipments so that they target shipments that pose the greatest risk of

containing illegal wildlife (either declared or undeclared). Once you discover a violation, apply the enforcement priorities described in this chapter to determine the amount of time and effort that you should expend to resolve it.

1.3 What are the enforcement priorities for the Office of Law Enforcement? Special agents and wildlife inspectors determine the priority of a proposed law enforcement activity based on the following guidelines:

A. High Priority. In general, high priority enforcement work deals with wild populations of federally protected species of fish, wildlife, or plants and involves violations that have a significant scope or impact on populations of such species. High priority enforcement activities include:

(1) Unlawful commercial activities and/or activities involving habitat destruction affecting wild populations of fish, wildlife, or plants listed as endangered or threatened, or listed on Appendix I to the Convention on International Trade in Endangered Species (CITES).

(2) Unlawful commercial activities involving wild populations of other federally protected fish or wildlife.

(3) The unlawful take of federally protected species of fish, wildlife, or plants and/or destruction/modification of their habitats by environmental contaminants or industrial hazards such as pesticides, poisons, oil spills, cyanide leach pits, or other toxins.

(4) Enforcement of Federal laws and regulations related to federally listed threatened, endangered, or injurious species.

(5) Other enforcement activities identified and agreed on by the Chief, Office of Law Enforcement and the Director.

B. Medium Priority. Medium priority enforcement activities include:

(1) Assisting the National Wildlife Refuge System (NWRS) and other Federal agencies with conservation enforcement and other related law enforcement issues on their lands as agreed on by the Special Agent in Charge in consultation with the Regional Director (RD) or California/Nevada Operations Office (CNO) Manager, the RD/CNO Manager's designee, or appropriate Federal agency.

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 444 Investigative Guidelines

Chapter 1 Priorities

444 FW 1

(2) The unlawful commercialization of wild populations of fish, wildlife, or plants that are protected by State, tribal, or foreign law, including CITES Appendix II and III species. In situations involving non-CITES species that are protected by State, tribal, or foreign law, there should be an indication that the State, tribal, or foreign government does not have jurisdiction over the principal violators and that they also actively enforce the relevant laws.

(3) Enforcement of the Lacey Act relating to non-commercial violations involving illegal taking of wild populations of species protected by State, tribal, or foreign laws. There should be some indication that the State, tribal, or foreign government does not have jurisdiction over the primary violators and that they actively enforce the relevant laws.

(4) Enforcement of the Lacey Act as it relates to State-listed injurious species.

(5) Unlawful activities involving wild populations of other federally protected fish or wildlife.

C. Low Priority. Low priority enforcement activities include:

(1) Enforcement of Federal laws and regulations related to wild populations of fish, wildlife, or plants that are protected by State or tribal governments and are not designated as medium priority above.

(2) Compliance inspections of Service permit holders.

(3) Enforcement of Federal laws and regulations related to captive-bred, artificially propagated, or antique specimens of fish, wildlife, and plants. When the validity of captive-bred or artificially propagated status is in question, determine the priority as if the species were taken from the wild. When the validity of antique status is in question, determine the priority as if the species were not antique.

(4) Enforcement of Federal laws and regulations related to violations involving the import or export of non-Federal trust species of fish, wildlife, or plants not designated as high or medium priority above.

(5) Enforcement of Federal laws or regulations for which the Service does not have primary authority, or enforcement of non-wildlife related laws or regulations that may fall within the jurisdiction of Service law enforcement officers.

(6) Violations of non-commercial foreign law.

(7) Assisting the NWRS and other Federal agencies with conservation enforcement and other related law enforcement issues on their lands not designated as medium priority above.

1.4 How often are these priorities reviewed for changes? The Chief, Office of Law Enforcement should review the priorities as necessary and recommend changes to the Director.